

Response Under 37 C.F.R. § 1.116
US Appln No 09/545,592

Docket No. A8493
STN-99-179

REMARKS

Applicant acknowledges that the Examiner has withdrawn: (1) the 37 C.F.R. § 1.75 objection; and (2) the 35 U.S.C. § 112 rejection of record in the October 21, 2005 *Office Action*.

Status of the Application

Claims 1-39 are all the claims pending in the Application. Claims 1-5, 8-16, 19-27 and 30-34, 36 and 38 stand rejected.

Allowable Subject Matter

Applicant acknowledges that the Examiner has indicated that claims 6, 7, 17, 18, 28, 29, 35, 37 and 39 would be allowed if rewritten in independent form. However, Applicant declines at this time to draft these claims in independent form since the independent claims should be allowed.

Obviousness Rejection

The Examiner has once again rejected claims 1-5, 8-16, 19-27, 30-33, 34, 36 and 38 under 35 U.S.C. § 103(a) as being unpatentable over what the Examiner has alleged to be Applicant's "Admitted Prior Art" (hereinafter "Related Art") set forth in the "related art" section of the Application (pgs. 1-2) in view of "Fundamentals of Database Systems" by Elmasri et al. (hereafter "Elmasri"). Applicants continue to disagree with this rejection, and respectfully traverse it as follows.

Regarding the independent claims 1, 12, 23, 35, 27 and 39, the Examiner alleges, *inter alia*, that (*Office Action*, par. bridging pages 5 and 6):

[the related art] teaches some databases have DESCRIBE command to list column names and data types of a query result. If the system does not have the DESCRIBE command, a developer can alter the DML statement to return no data but allow full access to the metadata to obtain

Response Under 37 C.F.R. § 1.116
US Appln No 09/545,592

Docket No. A8495
STS-99-179

the type of a result set. ... As shown in FIG. 7.3(c) is [sic] the result of query Q12 with column names as metadata but without any data return, because the condition of the WHERE statement is FALSE. Thus, the DML statement as disclosed in the admission, obviously, could be altered by replacing a WHERE statement with one or more false statements so that it returns no data

Applicant respectfully disagrees with the Examiner's interpretation of the "Related Art" section of the instant Application. Specifically, the Examiner seems to read the statement (see pg. 2 of the specification) that "a developer can alter the Data Manipulation Language (DML) statement so that it returns no data," (see pg. 2 of the specification) as an admission that it would have been obvious to make such an alteration. Such a reading is contrary to the specific language of the statement.

Applicant has made no such admission that anyone has ever altered a DML statement in the manner described. Rather, the statement in question is merely a statement of capability, as Applicant specifically used the term "can" and not "have." Thus, the "Related Art" section of the specification does not teach or suggest that any such modification of a DML statement has been performed, or that anyone prior to the inventor of the instant Application ever thought to make such a modification. Accordingly, this statement cannot provide the requisite motivation to support that Examiner's rejection, and no other prior art reference is cited by the Examiner to provide such motivation.

Additionally, the Examiner's assertion that one "must" modify such a DML statement in systems that do not have a DESCRIBE function is misplaced and unsupported. It is respectfully submitted that other methods, which are less convenient, could be used to determine metadata.

Response Under 37 C.F.R. § 1.116
US Appln No 09/545,592

Docket No. A8495
ST-99-179

Thus, Applicant respectfully submits that independent claims 1, 12, 23, 34, 36 and 38 are patentable over the *Related Art*. Further, Applicant respectfully submits that rejected dependent claims 2-5, 8-11, 13-16, 19-22, 24-27 and 30-33 are allowable, at least by virtue of their dependency.

Thus, Applicant respectfully requests that the Examiner withdraw this rejection.

Conclusion

In view of the foregoing, it is respectfully submitted that claims 1-39 are allowable. Thus, it is respectfully submitted that the application now is in condition for allowance with all of the claims 1-39.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Please charge any fees which may be required to maintain the pendency of this application, except for the Issue Fee, to our Deposit Account No. 19-4880.

Respectfully submitted,



Timothy P. Cremen
Registration No. 50,855

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: July 27, 2005